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## Dredge and Placer Mining

Questions? Contact one of our statewide Area Offices by using our Interactive Map or visit our Area Offices web page.

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## Overview

Dredge and placer mining is the extraction of minerals from an alluvial or glacial deposit, as of sand and gravel, containing particles of gold or other valuable minerals. A placer deposit can be in a natural watercourse or an ancient river channel high above a stream. The Idaho Placer and Dredge Mining Protection Act [[reference Idaho Code 47-1322](#)] was passed as an initiative vote in 1954. Over the years several changes have been made, but the basic components of the 1954 Act still stand:

- Placer mining requires a permit;
- Every permit must have a performance bond;
- Water quality must be maintained and disturbed lands and water courses must be reclaimed;
- Site inspections to ensure compliance;
- Penalties for violation of the Act.

Any person who disturbs more than one-half acre of land in the process of placer mining must have a permit from the Idaho Department of Lands. Applications are available from the Department of Lands. After submission of an application, and a \$50 fee for each ten acres, the review takes approximately sixty days.

The Department of Lands, as the lead agency for implementing the antidegradation policy for placer and dredge mining, may solicit comments from the Departments of Fish and Game, Water Resources and Environmental Quality. A site review may be conducted prior to plan approval. Approval is by the State Board of Land Commissioners (Land Board) at a regular Land Board meeting. Permits are transferable and are good for the life of the operation.

The Act applies to all lands in the State of Idaho, including private, state and federal [Bureau of Land Management (BLM), U.S. Forest Service (USFS)]. On federal lands, an operating plan may be required by the surface management agency, usually BLM or USFS. Under authority of Memorandums of Understanding with the BLM and USFS, one plan is developed and then submitted to both the state and federal agencies.

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## Hearing

When the Department of Lands determines, after consultation with the Departments of Water Resources, Fish and Game, Environmental Quality and affected Indian tribes, that a proposed placer and dredge mining operation can reasonably be expected to significantly degrade adjacent surface waters, a public hearing will be conducted. The purpose of the hearing will be to discuss what measures should be taken to protect water quality from nonpoint source water pollution.

When there is a reasonable potential for nonpoint source pollution, the Director will require that the operator provide to the Department of Lands baseline pre-project surface water monitoring information and ongoing monitoring data during the life of the project.

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## Bonding

A performance bond is required as a condition of the permit to ensure the completion of reclamation. A bond can be either a surety bond, cash, a certificate of deposit, a bank letter of credit or an annual payment to the Reclamation Fund. The amount of the bond is determined by the estimated actual costs for the state to reclaim the lands, plus a 10% contingency. Reclamation bonds may not exceed \$1,800 per disturbed acre and will be approved by the Land Board at the time of permit approval. If the operator defaults on the reclamation performance, a hearing may be required to recover the bond. The operator is given an opportunity to do the reclamation or contract it out before the bond is taken.

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## Water Quality/Reclamation

Every placer and dredge mining operation must maintain state water quality standards by implementing Best Management Practices to protect existing beneficial uses from nonpoint sources of pollution. Most operations utilize settling ponds to recycle their wash water in a closed system. Discharge of process waters to any surface water requires a National Pollution Discharge Elimination System permit from the Environmental Protection Agency. Unless a Stream Channel Alteration Permit is obtained from the Department of Water Resources, an undisturbed buffer of riparian vegetation must be maintained between the operation and the bank of the stream. One of the greatest problems faced by placer miners is adequate space to properly construct settling ponds of sufficient size to successfully operate the mine.

Upon completion of mining, or concurrently on most operations, affected lands must be backfilled, graded, topsoil replaced if present, and stabilized with vegetation. Some areas are better left as ponds for wildlife habitat. The reclamation is planned as part of the overall mining operation at the time of permit approval.

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## Site Inspections

The Department of Lands is required by the Act to inspect the operation periodically to review compliance with the permit. The Act allows the Department of Lands to charge the permittee for the costs of these inspections. If a violation is found, a remedy is discussed and a reasonable period of time is allowed for corrective action. On USFS lands, the Forest Service monitors the permits and coordinates with the Department of Lands on compliance problems.

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## Penalties

The Act allows the State to enjoin an operation without a permit or bond or an operation violating an existing permit. Violation of the Act carries a civil penalty of \$500 to \$2,500 for each day a violation continues. If a person willfully violates the Act, they are liable for a fine of \$1,000 to \$5,000 or up to a year in prison or both. Additionally, the State may seek costs to reclaim lands affected by the mining operation.

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## Recreational Dredge Mining

Recreational dredge mining includes those mining activities in which miners use power sluices, small recreational suction dredges with a nozzle five (5) inches in diameter or less, and equipment rated at a maximum of fifteen (15) horsepower or less. Recreational dredge mining is regulated by the Stream Channel Protection Act administered by the Idaho Department of Water Resources (IDWR). If a miner has a recreational dredging permit issued by IDWR they do not need any additional permits from the Idaho Department of Lands (IDL) to mine in a navigable stream. Miners will need permission from IDL however to operate a recreational suction dredge or a power sluice in streams that pass through state endowment land.

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## Frequently Asked Questions

### Does the Act apply to suction dredges?

Only those larger than 8-inch diameter intake. The rest are regulated on the beds of navigable rivers by the Idaho Department of Water Resources and the Idaho Department of Lands.

### Does the Act apply to patented mining claims?

Yes. Patented mining claims are treated just like other private lands.

## What is the usual bond rate?

The actual cost of reclamation is up to a maximum of \$1,800 per acre.

## What about exploration?

You may explore using motorized earth moving equipment with a Notice of Exploration to the Department of Lands. Holes or trenches must be closed and reseeded within one year. If the exploration exceeds one-half acre of disturbance, a Placer and Dredge Mining Permit is required.

## What about using hazardous chemicals?

Any use of hazardous chemicals must be reviewed by the Idaho Department of Environmental Quality to meet State water quality standards.

## What if I build ponds or dams?

Any water containment dams over ten feet high, or tailings ponds over thirty feet high, must be reviewed by the Department of Water Resources. Settling ponds with dams under ten feet in height must be reviewed and approved by the Department of Environmental Quality. Stream ponds or dams are not allowed without a stream channel alteration permit.

## Can the Department of Lands deny a permit?

Yes. The Land Board may deny an application for a permit on state land, any riverbed or any unpatented mining claim upon its determination that the proposed operation would not be in the public interest or would result in permanent damage to a stream channel.

## Can I post a bond with the U.S. Forest Service?

Yes. The Act allows the State to recognize valid bonds held by the USFS or BLM for reclamation, as long as they are in an amount as great as the required state bond.

## How do I appeal a decision of the Department of Lands?

An appeal of the decision of the Department may be made by filing a letter with the Director, Department of Lands, and requesting an audience before the State Board of Land Commissioners.

## What waters are closed to mining?

Pursuant to the authorities specified in Idaho Code Section 58-104(a), 47-1323 and 47-702, the State Board of Land Commissioners has withdrawn the following segments of navigable rivers from mineral entry and exploration.

- **Boise River** - The bed of the Boise River from Lucky Peak Dam in T2N, R3E, B.M., downstream to Star Road in T4N, R1W, B.M. Withdrawal does not include excavation for flood control purposes.
- **The bed of the South Fork of the Boise River** from Anderson Ranch Dam in T1S, R8E, B.M., downstream to Neal Bridge in Sec. 34, T3N, R6E, B.M.

- **The bed of the Middle Fork of the Boise River** from the east boundary of T5N, R8E, B.M., downstream to the west boundary of Sec. 1, T3N, R5E, B.M.
- **Payette River** - The bed of the North Fork of the Payette River from Carbarton Bridge in Sec. 31, T13N, R4E., B.M. to Banks in Sec. 32, T9N, R3E, B.M.
- **The bed of the South Fork of the Payette River** from the Sawtooth Wilderness boundary in Sec. 12, T9N, R9E, B.M. to Banks in Sec. 32, T9N, R3E, B.M. This river segment is open for recreational suction dredging and gold panning. No claims or lease applications will be accepted by the Idaho Department of Lands for this river section as it has been designated as open to the general public as a recreational mining site.
- **The bed of the main Payette River** from Banks in Sec. 32, T9N., R3E, B.M. to Black Canyon Dam in Sec. 22, T7N, R1W., B.M.
- **Priest River** - The bed of the Upper Priest River from the Canadian Border in Sec. 12, T65N., R5W, B.M. to the confluence with Priest Lake in Sec. 19, T63N, R4W, B.M.
- **Clearwater River** - The Middle Fork of the Clearwater River from the town of Lowell downstream to the town of Kooskia.
- **Lochsa River** - The Lochsa River from the Powell Ranger Station downstream to its junction with the Selway River at Lowell forming the Middle Fork.
- **Selway River** - The bed of the Selway River from its origin downstream to the town of Lowell.
- **Salmon River** - The bed of the Salmon River from the mouth of the North Fork of the Salmon River in T24N, R21E, B.M., downstream to Long Tom Bar.
- **The bed of the Salmon River** from Hammer Creek in Township 28 North, Range 1 East, B.M. downstream to the mouth in T29N, R4W, B.M.
- **The bed of the Middle Fork of the Salmon River**, from its origin downstream to its confluence with the Main Salmon River.
- **St. Joe River** - The bed of the St. Joe River, including tributaries, from its origin downstream to its confluence with Coeur d'Alene Lake, except for the St. Maries River and its tributaries.
- **Snake River** - The bed of the Henry's Fork of the Snake River from its point of origin at Henry's Fork in Section 21, T15N, R43E, B.M. downstream to its point of confluence with the backwaters of Ashton Reservoir, Sec. 13, T9N, R42E, B.M.
- **The bed of the Snake River** from the east boundary of T6S, R8E, B.M., to the west boundary of T1S, R2W, B.M., encompassing the Birds of Prey Area.
- **The Idaho bed of the Snake River** consisting of the east ordinary high water mark to the center of the main channel (State of Idaho ownership in the Hell's Canyon National Recreation Area), from the north boundary of T20N, R4W, B.M., downstream to the south boundary of T31N, R5W, B.M.

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**Note:** Additional withdrawals of navigable waters may exist; contact the Idaho Department of Water Resources for additional information.

**Web address:** <http://www.idwr.idaho.gov/>

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## Can my permit application be confidential?

Test results, reserve calculations and production data may be kept confidential under the provisions of the Idaho Code Section 9-340 after July 1, 1993.

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## Maps


The following maps can be obtained from the Idaho Geological Survey, Morrill Hall, Room 332, University of Idaho, Moscow, Idaho 83843, Web address:

<http://www.idahogeology.org> 

- **ENERGY RESOURCES OF IDAHO** — Breckrenridge, Roy M.; Bennet, Earl H.; Harbor, Jerry L.
- **GOLD OCCURRENCES IN IDAHO** — Gaston, Mary P.; Bonnicksen, Bill
- **GEOLOGIC MAP OF IDAHO, SCALE 1:500,000** (*in color*) — Bond, John G.

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NOTE: Documents on this page are available in either WORD or PDF format.

External link = 



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